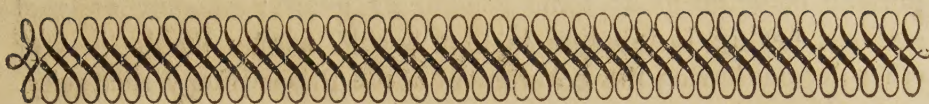


14 May 1824.



A

B I L L

[*As amended on Re-commitment, and by Select Committee,
and on Second Re-commitment.*]

To authorize Magistrates of small Jurisdictions to contract with Justices having charge of County Gaols, for the care of Prisoners; and to prevent untried Prisoners from being compelled to work on the Tread Mill.

N. B.—*The Clauses marked (A. to S.) were added on the Re-commitment by the Select Committee; and on the second Re-commitment.*

WH **H**EREA **S** an Act was passed in the last Session of Parliament, intituled, “An Act for consolidating and amending the Laws relating to the building repairing and regulating of certain Gaols and Houses of Correction in *England and Wales* :”
5 **A**ND whereas it is expedient that the said Act should in some respects be amended, and that provision should be made for ascertaining the state of all other Prisons in *England and Wales* ;

BE **E**nacted, by The **K**ING's most Excellent **M**AJESTY, by and with the advice and consent of the Lords Spiritual and
10 **T**emporal, and Commons, in this present Parliament assembled, and by the authority of the same, **T**HAT it shall be lawful for the Justices of the peace, or any Two of them, or for other persons having the government or ordering of any Gaol or House of Correction, in any city, town, borough, port or liberty, to contract with the Justices of
15 the peace having authority or jurisdiction in and over any Gaol or House of Correction of the county riding or division, wherein or whereto such city, town, borough, port or liberty, is situate or adjacent, or with any Two of them, for the support and maintenance, in such last-mentioned Gaol or House of Correction, of any prisoners
20 committed thereto, from such city, town, borough, port or liberty: Provided, That no such contract be entered into by any Justices of the peace of any county riding or division, without an order for that

Preamble.

Magistrates
of small jurisdictions may
contract with
Justices having
charge of
County Gaols,
for care of
Prisoners.

309.

A

purpose

purpose being made at some general or quarter sessions, or gaol sessions, having jurisdiction in that behalf, nor by the Justices or other persons having the government of the Prison of any such city, town, borough, port or liberty, without an order for that purpose being made at the Sessions thereof; and every such contract may 5 either be perpetual, or limited to a certain term of years, as the parties shall mutually agree; and during the existence of such contract, every prisoner who would otherwise be confined in the Gaol or House of Correction of the city, town, borough, port or liberty so contracting, may be lawfully committed or removed to and confined in the 10 Gaol or House of Correction so receiving him or her under such contract; and all prisoners so confined by contract, whether before or after trial, shall be subject in all matters and things to the same rules and regulations as if they were committed thereto by any of the Justices of the county riding or division, and if committed before trial, 15 shall be triable and tried in the same manner as if their offences had been committed in a part of the county riding or division not within the city, town, borough, port or liberty, from whence such prisoners shall come; save only, that if the Gaol or House of Correction so receiving under contract a prisoner committed for trial shall be situate 20 within two miles of the usual place of trial, of the city, town, borough, port or liberty, wherein the offence charged against such prisoner shall be alleged to have been committed, it shall be lawful to try such prisoner in the manner heretofore accustomed, and for the Magistrates or other proper officer of such city, town, borough, port or liberty, 25 to direct the removal of such prisoner for trial, and to do all other acts necessary for such trial or consequent thereon.

CLAUSE (A.)
Magistrates,
&c. empow-
ered to borrow
money for
rebuilding
gaols, &c. in
case it should
appear more
adviseable
than altering
old ones.

And be it further Enacted, That if it shall seem fit to the Magistrates or superintending officers of any city, town, borough, port or liberty, assembled in manner herein above-mentioned, that instead of 30 altering or building any Gaol or House of Correction for their separate use, it would be more adviseable to raise a sum or sums of money in aid of building a new or of enlarging a county prison, it shall be lawful for them so assembled to agree with the Justices of the peace, having authority or jurisdiction in and over any Gaol or House of Correction 35 of the county riding or division wherein or whereto such city, town, borough, port or liberty is situate or adjacent, or with any Two of them, for the payment to such Justices having such authority as aforesaid, of any sum or sums of money to be by them applied in or towards the altering, enlarging, building, rebuilding, repairing or im- 40 proving such Gaol or House of Correction, of the county riding or division aforesaid: Provided that no such agreement be entered into by any Justices of the peace for any county riding or division, without an order for that purpose being made at some general or quarter sessions or gaol sessions, having jurisdiction in that behalf. 45

CLAUSE (B.)
Monies to be
raised as after
mentioned.

And it is hereby further Enacted, That all monies to be paid under any such agreement as last mentioned, shall be raised in the same manner, and subject to the same conditions as is hereinafter directed, in

in respect of monies to be raised for the building or rebuilding, repairing or enlarging any Gaol or House of Correction under the provisions of this Act.

CLAUSE (C.)
Money borrowed for rebuilding Gaols, &c. to be repaid to such city, &c. advancing the same.

5 Provided always, and it is hereby Enacted, That it shall be lawful for such Justices of the peace of any such county riding or division, entering into any such agreement as last aforesaid, to stipulate in the same (if they shall see fit so to do) that it shall be lawful for such county riding or division, at such time or times as shall be in that behalf provided in such agreement, to repay to the said city, town, 10 borough, port or liberty, the sum or sums of money which shall have been so paid or advanced in or towards the altering, enlarging, building, rebuilding, repairing or improving such Gaol or House of Correction of the county riding or division aforesaid.

CLAUSE (D.)
For paying Expenses under the Contract.

15 And be it further Enacted, That the monies to be paid under any such contract as aforesaid, shall be raised in the same manner as monies for defraying the expenses of the Gaol or House of Correction, for which a substitute shall be provided under such contract; and where such expenses are not wholly defrayed from the same fund, and there shall arise a difference of opinion between the parties interested in the several funds applicable to the several purposes of the 20 Prison, as to the proportion in which those funds respectively shall contribute to the sum to be paid to the county, riding or division, for the use of its Prison, and such difference shall not be adjusted by agreement between themselves, it shall be lawful for either of such 25 parties to apply to the Justices of assize of the last preceding circuit, or of the next succeeding circuit, or to one of such Justices, who shall by writing under their or his hands or hand nominate a barrister at law, not having any interest in the question, to arbitrate between the parties; and such arbitrator may, if he shall see fit, 30 adjourn the hearing from time to time, and require all such further information to be afforded by either of the parties, as shall appear to him meet and necessary; and shall by his award in writing, determine the proportions in which such parties shall contribute towards the said expenses; and his award shall be final and conclusive between the 35 parties; and such arbitrator shall also assess the costs of the arbitration, and shall direct by whom, and out of what fund, the same shall be paid.

CLAUSE (E.)
During the contract, city, &c. not liable to provide a prison.

40 And be it further Enacted, That during the existence of any such contract, if it shall extend to the whole of the prisoners who would otherwise be confined in the Gaol or House of Correction of the city town, borough, port or liberty so contracting, such city, town, borough, port or liberty shall not be liable to indictment or impeachment for the nonrepair of its Gaol or House of Correction respectively; and if such contract shall extend to only a certain class or 45 classes of its prisoners, such city, town, borough, port or liberty shall not be liable to provide the accommodation required, to be

otherwise

otherwise provided for the same class or classes of prisoners, by the said recited Act, or by any other Act now in force.

CLAUSE (F.)

Copies of Proceedings and Regulations respecting Gaols and Houses of Correction, and Plans thereof, to be transmitted to Secretary of State.

And be it further Enacted, That the chief Magistrate of every city, town, borough, port or liberty now having a Gaol or House of Correction in *England* and *Wales*, shall, in the month of October next, report to one of His Majesty's Principal Secretaries of State whether any contract has been made with the county riding or division, for the use of its Prisons, or any of them, by such city, town, borough, port or liberty, and to what classes of prisoners such contract, if any, shall extend; and if there be no such contract, whether any steps have been taken towards such contract; and if so, in what state the treaty is, and what obstacles there are to its completion; and the chief magistrate of every such city, town, borough, port or liberty, where no such contract shall be in existence shall, in the same month of October, transmit to one of His Majesty's Principal Secretaries of State, a copy of all such rules and regulations as shall be then in force for the government of every such Prison; and a return, in the form of the Schedule to this Act annexed, marked (A.) and a plan of every such Prison, drawn upon a scale of one-sixteenth of an inch to a foot; and the said copies and plans shall be carefully preserved in the office of such Secretary of State; and such Magistrate shall, in every subsequent month of October, until such a contract shall be entered into, transmit to such Secretary of State, a Return, in the form of the said Schedule, and a copy of all additions to such rules and regulations, or alterations made therein, together with plans on the scale above mentioned, of any additions to the buildings of such Prison, or alterations made in the construction thereof, during the preceding year.

CLAUSE (G.)

4Geo. IV, c. 64, repealed, as to Canterbury, Litchfield, and Lincoln.

And be it further Enacted, That so much of the said recited Act as relates to the Cities of *Canterbury*, *Lichfield*, and *Lincoln*, shall be and the same is hereby repealed.

CLAUSE (H.)

The minimum of classification in all cases.

AND whereas in some other counties and places to which the said recited Act extends, by reason of the small number of prisoners usually confined therein, it may not be necessary to provide the whole number of wards and airing grounds thereby required, but it is necessary to provide that in all Prisons some certain means of classification should be secured; BE it further Enacted, That in every Prison to which the said recited Act extends, except *Canterbury*, *Lichfield* and *Lincoln*, provision shall be made for the following classification, at the least;

In all such Gaols the male and female Prisoners shall be confined in separate wards or parts of the Gaol; the male Prisoners shall be divided into five classes: First, debtors, and persons committed for contempt of court on civil process: Second and Third, Prisoners convicted, who may be put into either of these classes, as to the visiting Magistrates may seem meet, reference being had to the character and conduct of the Prisoners, and the nature of their offence: Fourth and Fifth, Prisoners committed for trial, who may

may also be put into either of these two classes, as to the visiting Magistrates may seem meet, reference being had in like manner to the character and conduct of the Prisoners, and the nature of their offence.

- 5 The female Prisoners shall be divided at least into three classes : First, debtors and persons committed for contempt of court on civil process : Second, Prisoners convicted : Third, Prisoners committed for trial.

- 10 In all such Houses of Correction, the male and female Prisoners shall also be confined in separate wards or parts of the house. The male Prisoners shall be divided into five classes : First and Second, Prisoners convicted, who may be put into either of such classes, as to the visiting Magistrates may seem meet, regard being had to the character and conduct of the Prisoners, and the nature of their offence : Third and Fourth, Prisoners committed for trial in all
15 Houses of Correction where such Prisoners are received ; such Prisoners may be put into either of these classes as to the visiting Magistrates may seem meet, regard being had, as already mentioned, to the character and conduct of the Prisoner, and the nature
20 of his offence : Fifth, Vagrants.

- In places where the Gaol and House of Correction are united, the male Prisoners shall be divided into six classes at least : First, debtors and prisoners committed for contempt of court on civil process : Second and Third, convicted Prisoners : Fourth and Fifth,
25 those committed for trial ; such Prisoners to be assigned to either of these classes of Prisoners convicted or committed respectively, as to the visiting Magistrates shall seem meet, regard being always had to the character and conduct of the Prisoners, and the nature of their offence : Sixth, Vagrants.

- 30 The female Prisoners, in each of such Houses of Correction, shall be divided into three classes : First and Second, Prisoners convicted ; the Prisoners to be put into either of such classes, as to the visiting Magistrates shall seem meet, regard being had to their character and conduct ; and the nature of their offence ; vagrants shall be
35 assigned to one or the other of these classes, as the visiting Magistrates, in their discretion, may see meet : Third, where females are committed to any House of Correction before trial, they shall be kept in a class by themselves.

- 40 AND whereas in some counties of *Wales*, it may be consistent with the due classification of the prisoners to dispense with some of the wards or airing grounds required by the said recited Act and this Act ; BE it therefore further Enacted, That if the court of quarter sessions of any county in *Wales*, shall, during the present year, present a petition to the Lords of His Majesty's privy council, setting
45 forth the whole number of prisoners imprisoned in the common Gaol and House or Houses of Correction of such county, within the last seven years, with the causes of their imprisonment respectively, so as to exhibit in which of the classes prescribed by the said recited Act, or this Act, each such prisoner would have been included, and showing
50 also the greatest number of such prisoners imprisoned in such Gaol and House or Houses of Correction at any one time in each of the said seven years ; and setting forth fully and particularly the then state of such

CLAUSE (I.)

Some Regulations may be dispensed with in Welsh Counties.

Gaol and House or Houses of Correction, and an estimate of the expense which would be incurred by enlarging such Gaol, or such House of Correction to which the petition shall apply, so as to admit of the whole number of wards and airing grounds required by the said Act, or this Act, and the amount of the county rate for each of the said seven years, and praying a dispensation with some part of the wards or other accommodations required by the said Act, or this Act, which under the circumstances of such county may to such court appear unnecessary, it shall be lawful for the said Lords of the privy council to take such petition into their consideration, and if they shall see fit to make an order thereon, directing in what manner and to what extent it shall be sufficient for such county to comply with the provisions of the said Act, and this Act, and making such regulations touching the same, as to them shall seem meet; and such county duly complying with such order shall not be liable to be indicted, or otherwise impeached for not further conforming itself to the regulations of the said Act, and this Act, in regard to the extent of its prisons or the wards into which they are divided, or the accommodation to be found therein; any thing in the said recited Act, or this Act, to the contrary notwithstanding.

CLAUSE (K.)
As to Prisoners, for breach of Revenue Laws.

And be it further Enacted, That any persons confined in any Prison to which the said recited Act extends, for non-payment of any penalties incurred under the revenue laws, may be assigned to such class of convicted prisoners for whom a separate ward is therein provided, as the visiting Magistrates in their discretion may think fit, regard being had to the character of the prisoner, and his conduct while in Prison; and the reasons for assigning such prisoner to any particular class of convicts, shall be reported by the visiting Magistrates to the quarter sessions.

CLAUSE (L.)
To prevent solitary confinement.

And be it further Enacted, That where, in any Prison, there shall be only one prisoner belonging to any class, in the said Act, or herein specified, such prisoner may be assigned, with his or her own consent, to any other class of prisoners of the same sex, which the visiting Magistrates, in their discretion, shall think fit.

CLAUSE (M.)
Where Gaol and House of Correction are contiguous, the Chapel and Infirmary may be common to both.

AND whereas by the said recited Act it is required, that when the Gaol and House of Correction are inclosed within the same boundary wall, it shall be ascertained and declared, what part or parts shall be considered as the Gaol, and what as the House of Correction; BE it further Enacted, That notwithstanding any thing in the said Act contained, it may be lawful for the Justices, in their general or quarter sessions, to declare in any such case, that such parts of the buildings as shall be appropriated for the chapel, and for the sick wards or infirmaries, shall be common both to the Gaol and to the House of Correction; and that in that case a double set of wards shall not be necessary.

CLAUSE (N.)
The liability of cities is not to be altered, as to the

And be it further Enacted, That nothing in the said recited Act or in this Act contained, shall oblige any city, town, borough, port or

or liberty to provide, in its Gaol or House of Correction, accommodation for any class of prisoners who could not be lawfully committed to such Prison before the passing of the said recited Act; and that nothing in the said recited Act or this Act contained shall alter or
 5 affect the liability of any bodies politic or corporate, or of the inhabitants of any parish, township or place, or of any individuals bound by statute, tenure, custom, prescription or usage, to repair, or to contribute towards the repair, of any Prison, or to maintain, or contribute towards the maintenance of the prisoners confined in any
 10 Prison, or to pay or contribute towards the payment of any expenses whatever connected with any Prison, but that all such parties shall remain liable to all such charges as if this Act had not been made.

description of
Prisoners, or
the contribu-
tion towards
expenses.

AND whereas by the said recited Act, it was made lawful for one or more visiting Justice or Justices of any Prison to which
 15 the same extended, to authorize by an order in writing, the employment of prisoners committed for trial, with their own consent, in any such work as therein specified; BE it hereby Enacted and Declared, That such consent of every such prisoner shall be freely given, and shall not be extorted or obtained by deprivation, or threat
 20 of deprivation, of any prison or other allowance; and that no such prisoner shall in anywise directly or indirectly, under colour of such consent, be compelled to such species of labour as is in the same Prison assigned to prisoners sentenced to hard labour; and that no prisoner before conviction shall, under any pretence, be employed on
 25 the tread-wheel, either with or without his consent.

CLAUSE (O.)
4 G. IV. c. 64.
§ 37.

No Prisoner
shall be com-
pelled to la-
bour previous
to conviction.

AND whereas it may be found expedient in some places, for the purpose of building enlarging or rendering more commodious the Gaol or House of Correction, to fix upon lands or tenements over which rights of common exist; and in such case great diffi-
 30 culties may arise in purchasing and obtaining a conveyance of such commonable lands or tenements under the general powers of the said recited Act; BE it therefore Enacted, That for the purpose of the said recited Act, and of this Act, and of any local Act relative to any such Gaol or House of Correction, the churchwardens for the time
 35 being of the parish wherein any such commonable lands or tenements shall be situate, shall be considered as the persons solely and absolutely entitled to the rights of common of pasture, or other commonable rights to which any such lands or tenements shall be subject; and that the monies for which any such commonable rights shall be
 40 purchased, shall be paid to such churchwardens, whose receipts shall be an effectual discharge for the same; and the same monies shall be applied by such churchwardens to such general and public purposes, within the parish where the lands or tenements so purchased
 45 shall be situate, as a vestry of such parish, to be convened by such churchwardens, shall direct.

CLAUSE (P.)
Regulating
the notices
when com-
monable
Lands are
required for
a Prison.

And be it further Enacted, That for the purpose of receiving the notice required by the said recited Act, to be given to persons
 309. interested

CLAUSE (Q.)
Notices to be
delivered to
the Occupier.

interested in houses, buildings, lands, tenements, hereditaments, easements or privileges contiguous to any Gaol or House of Correction, and deemed necessary for the purposes of enlarging the same, or rendering it more commodious, the occupier of such houses, buildings, lands, tenements, hereditaments, easements or privileges, shall be deemed the person interested therein; and that every such occupier, upon receiving any such notice, shall forthwith transmit or deliver the same to any other person interested, under whom he may hold the houses, buildings, lands, tenements, hereditaments, easements or privileges so deemed necessary.

CLAUSE (R.)

To enable Justices to borrow Money on mortgage of Rate, to pay off Securities.

4 G. IV. c. 64.

§ 54.

1 G. IV. c. 12.

§ 10.

AND whereas by the said recited Act, and by another Act passed in the present Session of Parliament, intituled, "An Act to facilitate in those Counties which are divided into ridings or divisions, the execution of an Act of the last Session of Parliament, for consolidating and amending the Laws relating to the building repairing and regulating of certain Gaols and Houses of Correction in *England* and *Wales*;" the Justices of the peace in quarter sessions assembled have in certain cases authority to borrow on mortgage of the rate of the county, riding, division, district, city, town or place, money for the purpose of building, re-building, repairing or enlarging the Gaol or House of Correction, and to charge the said rate, with such sum as shall ensure the payment of the whole sum borrowed with interest, within fourteen years: AND whereas, for the purpose of facilitating the reduction of the rate of interest, it may be expedient that the county, riding, division, district, city, town or place should have power to borrow, in like manner, on mortgage of its rate, a further sum, for the purpose of paying off the principal sum so borrowed and secured as aforesaid; BE it further Enacted, That whenever it shall appear to the Justices assembled at any general or quarter sessions, to be holden for any county, riding, division, district, city, town or place, having contracted a debt under the said recited Acts, that advantage may arise from paying off the same, and borrowing at a lower rate of interest, it shall be lawful for the Justices so assembled to borrow on mortgage of such rate, by instrument in the form directed by the said first recited Act, any sum or sums of money, not exceeding in the whole the principal sum of money that may then be outstanding, on the securities so theretofore granted, and therewith to discharge the whole or any part of the money for which such securities shall have been given: Provided always, That it shall not be lawful to use or apply any portion of the money to be borrowed under this provision, for any purpose other than the payment and discharge of the whole or part of the principal sum then due on the securities granted under the said recited Acts: Provided also, That the money to be borrowed under this provision shall be borrowed, on such terms, and under such conditions, as shall in no way interfere with or prevent the full payment and discharge of the money borrowed under the provisions of the said recited Acts, and so that the rate to be raised in such county, riding, division, district, city, town or place, shall, within fourteen years from the time when the money was originally borrowed under

under the provisions of the said recited Acts, be discharged and released from all securities so made as aforesaid.

AND whereas by the said recited Act of the present Session of Parliament, provision is made for settling, by arbitration, disputes
 5 between ridings and divisions, as to the proportions in which they shall contribute to the expense of the County Gaol ; but by reason of some verbal inaccuracies in the said provision, there may be some difficulty in acting thereon ; BE it therefore further Enacted and Declared, That the Clerk of the peace may be authorized to apply to
 10 the Justices of assize for the nomination of an arbitrator under the said last recited Act, by an order of the court or quarter or general sessions of the riding or division, and that one arbitrator shall be competent to exercise all the powers and authorities given to the arbitrator or arbitrators by the same Act ; and that such arbitrator shall assess
 15 the costs of the arbitration, and direct by whom, and out of what fund, the same shall be paid.

CLAUSE (S.)
 Amending
 the arbitra-
 tion Clause in
 5 G. IV. c. 12.
 § 8.

Schedule (A.)

FORM OF ANNUAL RETURN TO SECRETARY OF STATE.

1.	2.	3.		4.		5.		6.		7.	8.		9.		10.		11.	
Number of Prisoners the Prison is capable of containing in separate sleeping Cells.	Number of Prisoners the Prison is capable of containing, where more than One Prisoner sleeps in One Cell.	Total Number of Prisoners.		Number of Debtors.		Number of Misdemeanors.		Number of Felons.		Number of Prisoners committed in the course of the Year.	Number of Tried Prisoners.		Number of Untried Prisoners.		Number of Prisoners above 17 Years of Age.		Number of Prisoners under 17 Years of Age.	
		Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.		Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.
19.—Whether Common Gaol, House of Correction, or Bridewell? 20.—Under whose Jurisdiction and Superintendence? 21.—Number of Officers, and how appointed? 22.—Number of Classes, Wards, or Divisions, Work Rooms, Day Rooms, and Airing Yards, and whether the same can be extended or increased? 23.—Dietary or other Allowance; and Weekly Cost per Head? 24.—Allowance of Clothing and Bedding, and Cost per Head? 25.—Description of Employment, and Hard Labour? 26.—Hours of Labour and of Exercise? 27.—Amount of Earnings how applied, and in what Proportion to each Class of Prisoners, to the Officers of the Prison, and to the Fund applicable to the Maintenance of the said Prison? 28.—Attendance of the Surgeon, and whether separate Buildings or Apartments are provided for the Sick? 29.—Reasons for Non-employment of Prisoners, with reference to Column 15. 30.—Reasons for Punishments, by Solitary Confinement, by Whipping, or Irons. 31.— Is there any Insane Prisoner in Confinement? State his or her Name, Age, and for what Offence committed? How long has he or she been in Confinement? How long has he or she been Insane? 32.—General Observations.																		

Note.—The Total of the Columns 4, 5, Column No. 3; and the Aggregate

Schedule (A.)

FORM OF ANNUAL RETURN TO SECRETARY OF STATE.

[illegible]

5 GEO. IV.—Sess. 1824.

A

B I L L

[As amended on Re-commitment, and by Select Committee,
and on Second Re-commitment]

T O

Authorize Magistrates of small Jurisdictions
to contract with Justices having charge of
County Gaols, for the care of Prisoners;
and to prevent untied Prisoners from being
compelled to work on the Tread Mill.

Ordered, by The House of Commons, to be Printed

14 May 1824.